

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- January 12, 1966

Appeal No. 8540 Eighth Realty Corp., appellant

The Zoning Administrator District of Columbia, appellee

Upon motion duly made, seconded and unanimously carried, the following Order was entered: *March 4, 1966.*

EFFECTIVE DATE OF ORDER: April 29, 1966

ORDERED:

That the appeal to change a non-conforming use from eleemosynary institution (nursing home - no longer in use) to an apartment house containing twelve (12) units with six (6) indoor parking spaces and one outdoor parking space; or in the alternative, a variance from the use provisions of the R-3 District; lot 826, square 1218, be partially granted.

From the records and the evidence adduced at the public hearing, the Board finds the following facts:

(1) Appellant's property was previously used as a home for aged persons, under the name "The Baptist Home."

(2) In Appeal No. 7225, this Board denied without prejudice, as a change of a non-conforming use, change of the subject premises from a home for the aged, nursing home, convalescent home and rooming house to a 28-unit apartment house.

(3) In Appeal No. 7302, this Board denied without prejudice, as a change of a non-conforming use, change of the subject premises from a home for the aged, nursing home and convalescent home to a 24-unit apartment house with six indoor parking spaces.

(4) In Appeal No. 8296, this Board reversed the ruling of the Zoning Administrator in an appeal filed by the Citizens Association of Georgetown and held that the Zoning Administrator erred in issuing permit #B-130013 to remodel the subject premises for use as a "rooming house".

(5) In the same Appeal No. 8296, this Board reversed the ruling of the Director, Department of Licenses and Inspections, that permits issued for repair of the subject premises would not be cancelled and that a certificate of occupancy for a "rooming and boarding house" would be issued when the building was brought into compliance with applicable regulations.

(6) Appellant now proposes to have an apartment building with twelve units, six indoor parking spaces, and one outdoor parking space.

(7) The record contains letters objecting to the granting of this appeal.

(8) The Citizens Association of Georgetown objected at the public hearing to any apartment building containing more than ten bedroom apartments and one efficiency apartment.

OPINION:

The appeal for a variance from the use provisions of the R-3 District is denied as appellant has failed to sustain the burden of proving a hardship as required by the statute and by Section 8207.11 of the Zoning Regulations.

The Board is of the opinion that appellant has established all conditions set forth in the Zoning Regulations for the requested change in a non-conforming use and the appeal is granted on that basis. While the former use was that of an eleemosynary institution, such use was analogous to the proposed use and such proposed use will be in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with such regulations and maps.

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- July 13, 1966

8540

Appeal No. Eighth Realty Corp. appellant.

On motion duly made, seconded and unanimously carried, the following amendment to the Order in this appeal was entered by the Board at its meeting on August 31, 1966.

EFFECTIVE DATE OF AMENDMENT - Oct. 7, 1966

ORDERED:

That upon appellant's motion to amend the appeal and to modify the Order granting the appeal in part, and upon full consideration by the Board, the following Order is entered:

ORDERED:

That the appeal, as filed, be amended by deleting therefrom the words "and one (1) outdoor parking space" at 3248 N Street, NW., lot 826, square 1218.

OPINION:

The Board is of the opinion that the one (1) outdoor parking space forming part of the appeal, as filed, may be waived with full compliance with all provisions of the Regulations. However, it is stated for the record that, contrary to the representations of applicant's counsel made to the Board following issuance of the Order, there was no representation at the hearing and there was no understanding by the Board that the single parking space was an "on-street" space. There is no provision in the Regulations for an "on-street" parking space and the term simply has no meaning.